

Exhibit 4 –Deposition of Dr. Soderberg

Page 1

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

IN RE: NEW INDY) Case Nos.
EMISSIONS LITIGATION) 0:21-cv-01480-SAL
) 0:21-cv-01704-SAL
)
)
)

VIDEOTAPED DEPOSITION OF
KEIR SODERBERG, Ph.D.
October 3, 2023
10:11 a.m.

Reported by: Bonnie L. Russo
Job No. 6129608

Page 2

1 Videotaped Deposition of Keir Soderberg, Ph.D.
2 held at:

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6 Morgan, Lewis & Bockius, LLP
7 1111 Pennsylvania Avenue, N.W.
8 Washington, D.C.
9

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18 Pursuant to Notice, when were present on behalf
19 of the respective parties:
20
21
22

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7 Also Present Via Remotely:

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I N D E X

EXAMINATION OF KEIR SODERBERG, Ph.D.	PAGE
BY MR. SCHUTTE	8
	244
BY MR. CERYES	237

EXHIBITS

Exhibit 1	Notice of Videotaped Deposition of Keir Soderberg, Ph.D.	11
Exhibit 2	Rule 26(A)(2)(b) Report of Keir Soderberg	12
Exhibit 3	S.S. Papadopoulos & Associates, Inc. Profile of Keir Soderberg, Ph.D.	69
Exhibit 4	Declaration of Scott Reynolds	86
Exhibit 5	New Indy Odor Reports Map	123
Exhibit 6	Spreadsheets	157
Exhibit 7	Google Maps of Catawba	184
Exhibit 8	Rule 26(A)(2)(b) Report of William Vizquete, Ph.D.	205
Exhibit 9	Spreadsheets	212
Exhibit 10	Spreadsheets	215
Exhibit 11	Spreadsheets	219
Exhibit 12	Spreadsheets	230

(Exhibits bound separately.)

P R O C E E D I N G S

(10:11 a.m.)

THE VIDEOGRAPHER: Good morning.

We are going on the record at
a.m. on October 3, 2023.

Please note that the microphones are
sensitive and may pick up whispering and
private conversations. Please mute your phones
at this time. Audio and video recording will
continue to take place unless all parties agree
to go off the record.

This is Media Unit 1 of the
video-recorded deposition of Dr. Keir Soderberg
taken by counsel for defendants in the matter
of In Re: New-Indy Emissions Litigation filed
in the United States District Court, District
of South Carolina, Rock Hill Division, Case
No. 0:21-cv-01480-SAL and 0:21-cv-01074-SAL.

The location of this deposition is
Morgan, Lewis & Bockius, 1111 Pennsylvania
Avenue, Northwest, Washington, D.C.

1 Q. The person at DHEC.

2 A. Well, I think Scott Reynolds's
3 declaration indicated that the -- the
4 spreadsheet was automatically populated from
5 the report form. So in that case, someone at
6 the department -- at DHEC would not have typed
7 in the address.

8 Q. Right. But when it geo -- how is
9 the geocoding done?

10 A. Well, if you have the addresses --
11 well, I wasn't involved in this process, so I
12 can't say --

13 Q. Right. So we don't know. We don't
14 know.

15 A. But in general if you have a
16 spreadsheet of addresses, you wouldn't retype
17 the addresses. You would use that spreadsheet
18 as direct information to geocode from.

19 Q. But you don't know whether DHEC did
20 that or not?

21 A. I don't know.

22 Q. Okay. My point -- again, this is

1 not a criticism of you. But my point is that
2 the data that you were working with, which
3 starts from the YouTube video, there is a lot
4 of uncertainty about the quality of that data,
5 isn't there?

6 MR. CERYES: Objection.

7 BY MR. SCHUTTE:

8 Q. Let me modify the question.

9 The data that you were working with
10 when you started your analysis using the
11 YouTube videos, there is uncertainty about the
12 quality of that data, isn't there?

13 A. So there are different ways to
14 answer that.

15 When I look at a frame -- you know,
16 one of those weekly maps, I can look at how
17 crisp the points are, how accurately I can find
18 the center of that point, how accurately I can
19 resolve different points from one another.

20 The data that went into making that
21 map, I can't speak to the uncertainties.

22 Q. Okay. And you haven't tried to

1 quantify the known or potential rate of error
2 with respect to those uncertainties, correct?

3 A. To -- to which uncertainties?

4 Q. The uncertainty in the quality of
5 the data that you received in the form of the
6 YouTube video?

7 A. There was no way for me to evaluate
8 the uncertainties.

9 Q. Okay.

10 A. -- of the -- in the quality of the
11 data that went into the YouTube vehicle.

12 Q. Have you ever in your professional
13 career relied on data where you were not able
14 to evaluate the quality of the data that went
15 into the model?

16 A. So often in consulting or litigation
17 about chemical contamination, there are, for
18 example, old maps where samples were collected
19 in a certain location. Maybe those are
20 hand-drawn maps. Maybe the location is hard to
21 read. And so there is some uncertainty with
22 those old, poor quality maps. And so, yes, I

1 have used that data, you know, that type of
2 data.

3 Q. But in those situations, you can
4 evaluate and quantify the uncertainty. You can
5 say, oh, gosh, I've got old maps. I can look
6 at them myself, but you actually have the
7 ability -- just like the hypothetical satellite
8 image of the vegetation, you can go back and
9 sort of do a check and balance on -- even
10 though there is some uncertainty, you can go
11 back and review it, correct?

12 A. Not in every case. The map may just
13 be legible to the point where you know that the
14 sample was taken in a general vicinity of a
15 site and you know that there is data associated
16 with that sample, and so you know the data are
17 of a certainty quality. The location may be --

18 Q. Okay.

19 A. -- may be less certain because of
20 the poor quality of the map.

21 Q. Yeah. That -- that -- when you have
22 a situation like that, does that impact your